

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

RYAN ANWAY,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-09-325-R
)	
PAUL A. KASTNER, Warden,)	
)	
Respondent.)	

REPORT AND RECOMMENDATION

Mr. Ryan Anway has filed a petition for habeas relief. Rather than pay the filing fee, Mr. Anway moved for leave to proceed *in forma pauperis*. The motion indicates that Mr. Anway has \$77.58, and the filing fee is only \$5.00.¹ Because Mr. Anway has adequate funds for the filing fee, the undersigned recommends that the Court: (1) deny the motion for leave to proceed *in forma pauperis*, (2) order payment of the filing fee within twenty days,² and (3) dismiss the action without prejudice if Mr. Anway fails to timely pay the filing fee or show good cause for the failure to do so. *See* W.D. LCvR 3.3(e).

The Petitioner is advised of his right to object to this report and recommendation by April 16, 2009. *See* W.D. Okla. Local Civil Rule 72.1. If the Petitioner does object, he must file a written objection with the Court Clerk for the United States District Court, Western District of Oklahoma. The Petitioner is further advised that if he does not timely object, he

¹ *See* 28 U.S.C. § 1914(a) (2000).

² *See* W.D. Okla. LCvR 3.3(e).

would waive his right to appellate review over a denial of pauper status in the district court.

See Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991).

This report and recommendation terminates the referral.

Entered this 27th day of March, 2009.

A handwritten signature in cursive script that reads "Robert E. Bacharach". The signature is written in dark ink and is positioned above a horizontal line.

Robert E. Bacharach

United States Magistrate Judge